

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

Soverain Software LLC,

Plaintiff,

v.

J.C. Penney Corporation, Inc.,  
Amway Corp.,  
Avon Products, Inc.,  
Bidz.com, Inc.,  
HSN, Inc.,  
HSN Improvements, LLC,  
Cornerstone Brands, Inc.,  
Ballard Designs, Inc.,  
Garnet Hill, Inc.,  
Smith & Noble, LLC,  
The Territory Ahead, Inc.,  
QVC, Inc.,  
Shutterfly, Inc.,  
Victoria's Secret Stores Brand Management,  
Inc.,  
Victoria Secret Direct Brand Management,  
LLC,  
VistaPrint, Ltd., and  
VistaPrint USA, Inc.

Defendants.

Civil Action No. 6:09-CV-274- LED

**STIPULATION BETWEEN PLAINTIFF SOVERAIN SOFTWARE LLC  
AND DEFENDANT SHUTTERFLY, INC.  
AND MOTION FOR ORDER OF DISMISSAL**

Plaintiff Soverain Software LLC and Defendant Shutterfly, Inc. ("Shutterfly") have entered into a Patent License Agreement dated December 21, 2009 and hereby stipulate, subject to approval of the Court, that:

1. Plaintiff's complaint against Shutterfly is dismissed with prejudice.
2. Shutterfly's counterclaims against Plaintiff are dismissed with prejudice.
3. Each party shall bear its own attorney fees, expenses and costs.

STIPULATED AND AGREED TO:

/s/ Michael C. Smith

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18650410)  
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*ATTORNEYS FOR PLAINTIFF  
SOVERAIN SOFTWARE LLC*

/s/ Deborah J. Race

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*ATTORNEYS FOR DEFENDANT  
SHUTTERFLY, INC.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 28<sup>th</sup> day of December, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

/s/ Michael C. Smith  
Michael C. Smith